

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-313
Missouri Gaming Company)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission" or "MGC") is a state commission created under Chapter 313, RSMo 2000,¹ with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Penn National Gaming, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Penn National Gaming, Inc., is the parent organization or controlling entity of the Missouri Gaming Company (the "Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as Argosy Riverside Casino (the "Casino").
5. As the holder of a Class B license, the Casino is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. On September 9, 2013, Security Officer John Pentlin allowed an underage person onto the gaming floor without asking for her identification or verifying that she was at least 21 years of age. Pentlin was the only Security Officer assigned to the turnstiles at the time the underage person entered the Casino.
7. The underage person was on the gaming floor for approximately five hours before she was discovered and removed from the Casino. She gambled at slot machines but did not consume any alcohol while on the Casino floor.
8. A total of 14 Casino employees came in contact with the underage person but failed to check her identification to verify that she was at least 21 years of age.

¹ All statutory references are to RSMo 2000, unless otherwise specified.

² 20130910003

LAW

9. Under § 313.805(6), RSMo, the Commission may assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, or penalties in an amount determined by the Commission.

10. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline.

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulations;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming[.]

11. Section 313.830.2(1), RSMo, makes it a “class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for ... permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat.”

12. Title 11 CSR 45-9.060 states, in pertinent part, as follows:

- (3) Violations of the minimum internal control standards by a Class A licensee or an agent or employee of a Class A licensee are deemed to be unsuitable conduct for which the Class A licensee and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.
- (4) Violations of the Class A licensee’s internal control system by the Class A licensee or an agent or employee of the Class A licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A licensee and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.

13. Both the MICS, Chapter, N § 4.01, and the Casino's ICS, Chapter N § 4.01, forbid anyone under 21 years of age from gaining access to the casino floor or being allowed to place a wager.

VIOLATIONS

14. The acts or omissions of employees or agents of the Casino, as described above, constitute a failure of the Casino to prevent an underage patron from entering the Casino floor and placing wagers, thereby violating § 313.830.2(1), RSMo, MICS, Chapter N § 4.01, and the Casino's ICS, Chapter N § 4.01.

15. The Casino is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

16. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Casino as the holder of a Class B license.

17. THEREFORE, it is proposed that the Commission fine Missouri Gaming Company, the amount of \$5,000 for the violations set forth herein.

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this ____ day of August, 2014, to:

John Chaszar
Argosy Riverside Casino
777 NW Argosy Pkwy.
Riverside, MO 64150

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission